

MONOPOLY GIVEN OWNER OF PATENT

Supreme Court Lays Down Broad
Principle of Doubtful Anti-
Trust Application.

JUSTICES DIVIDE, 4 TO 3

Spirited Opinion of Minority Asks
Who Can Foretell Extent of
Wrongful Restrictions
That May Arise.

Washington, March 12.—The Supreme Court today laid down a broad principle of doubtful application to many of the government's important anti-trust suits now pending which involve questions of patent rights.

The court stood four to three. Chief Justice Lurton, with whom dissented Justices Lamar and Hughes, in a spirited opinion voiced his dread of the results of the court's work, asking who could foretell the extent of monopoly and wrongful restrictions which would arise. As construed by the majority of the court, the chief justice declared the patent law could reach out to include within a patent every conceivable thing used in every American household.

"The chief justice declared that the Congress should not lead off 'untold evils' which would follow the court's construction of the law and arranged a majority in suits of the future," the court in its history, he said, had never failed to do its duty to the whole people and to stand as the protector of every household.

Justice Lurton, who delivered the majority opinion, was joined by Justices McKenna, Holmes and Van De Venter.

AFFECTS ANTI-TRUST SUITS.

Officials of the department of justice were not inclined to discuss the court's decision or its application to anti-trust suits. Attorney-General Clegg, however, said that the decision would be a landmark in the history of the department and that it would make a statement.

During the last two years the department of justice, in its prosecutions under the Sherman law, has encountered more and more the question of the rights of patentees. Some officials of the department have predicted that the anti-trust suits of the future would be fought along these lines. That question was involved in the case against the electrical trust, now settled in favor of the government and some officials think the same question might be introduced in any anti-trust suit against any industrial combination.

Because of the sweeping importance of the decision to the enforcement of the Sherman law, it is not improbable that a rehearing may be asked for to bring the question before a full bench of justices. Justice Day did not participate, and the vacancy caused by the death of Justice Harlan has not been filled.

THREE SUITS NOW PENDING.

Foremost among the pending anti-trust suits which may now be affected, are those against the United Shoe Machinery company, the Keystone Watch company, and the so-called "cotton brake" trust. Two or more of investigations now under way by the department of justice, in which corporations are claiming the rights of patentees to certain monopolies and restrictions, are vitally affected.

Department of justice officials believe the decision may throw out one feature of the case against the Keystone Watch company relating to the right of patent. In the shoe machinery company case, in which questions of patent rights are involved, although it is admitted the company may strengthen some portions of its defenses by the decision, the department of justice regards those suits as considerably broader than the usual anti-trust suits involving patents because of the government's allegations of combination.

The case actually before the court concerned the right of the patentee of a rotary mimeograph to bind the purchaser of each machine to use only ink of which he manufactured.

The question arose as to whether the patent restriction was governed by contract law over which the State courts have jurisdiction or whether it was governed by the patent law and thus within the jurisdiction of the federal courts. The New York federal court asked for instructions.

FOLLOWED LURTON DECISION.

Several times the question had arisen in the federal circuit courts. Most of them had followed a leading decision announced by Justice Lurton, then a circuit judge, and known as the "Butter fastener" case. In that decision Judge Lurton held that the patent law governed the case, and consequently said: "To-day he approved that decision."

"If a patentee says," began Justice Lurton in his opinion, "I may suppress any patent I will, I may make or have made devices under my patent but I will neither sell nor permit any one to use the patented things, he is within his right and no one can complain. But if I will sell with the right to use only with other things proper for using with the machines, and I will sell at the actual cost of machines to me providing you will agree to use only such articles as made by me in connection therewith, if he chooses to take his profit in this way, instead of taking it by the higher price for the machines, has he exceeded his exclusive right to make and sell his patented machines?"

"The market for the sale of such articles to the users of his machines which by such a condition he takes to himself, was a market which he alone created by the making and the selling of the new invention. Had he kept his invention to himself no ink could have been sold by others for use upon machines embodying that invention. By selling it subject to the restriction, he took nothing from others and in no wise restricted their legitimate market."

One of the express reasons given by Justice Lurton for his dissent was to make it clear that if evils arise from the decision, their continuation will not be caused by the interpretation given to the

statute but will result from the inaction of the legislative department in failing to amend the statute so as to avoid such evils."

This amendment would be some restriction on the use of a patent. Chief Justice White first contended that the "license restriction" was a collateral contract relation and criticized the court for "unwarrantedly extending" the federal judicial power over them.

"The ruling now made," said he, "in effect is that the patentee has the power, by contract, to extend his patent rights so as to bring within the claims of his patent things which are not embraced therein, thus virtually legislating by causing the patent laws to cover subjects to which without the exercise of the right of contract, they could not reach; the result being not only to multiply monopolies at the will of an interested party, but also to destroy the jurisdiction of state courts over subjects which from the beginning have been within their jurisdiction."

The chief justice gave illustrations of what the effect of the decision might be. He declared that the court had said to the patentee selling a patented engine that he had the right by contract to bring under the patent laws all contracts for coal or electrical energy used to afford power to work the machine. The patentee of a cooking utensil might require that all the food cooked in it be purchased from him, or the patentee of a window frame that all the material in a house in which the frame was to be used must be procured from him.

Justice Lurton in his opinion had referred to such instances as "fantastic." "All fall," said Justice Lurton, "because the public is always free to take or refuse the patented article on the terms proposed."

Still, if the case were within the patent law, Chief Justice White said he would dissent because he believed, "such an extraordinary power on contract should be subject to the law of the land."

Justice Lurton had forecasted that argument of public policy not contained in patent law, said he, "are not relevant. The field to which we are invited by such arguments is legislative, not judicial. The decisions of this court, as we construed them, do not so limit the power granted the patentee, and we could not so restrict a patent grant without overruling a long line of judicial decisions from circuit courts and circuit courts of appeals, thus inflicting serious injury upon individuals who have made large investments in reliance upon them."

RUTLAND COUNTY COURT.

No Business Transacted on Account of R. A. Lawrence's Funeral.

Rutland, March 12.—The March term of Rutland county court was officially opened this afternoon at two o'clock but owing to the funeral of Attorney Robert A. Lawrence no business was transacted except the proclamation by Sheriff E. C. Fish of West Rutland and prayer by the Rev. F. W. Irvin, pastor of the local Baptist church. An adjournment was immediately taken until tomorrow morning at nine o'clock when the petit jurors will be sworn in and the docket called.

The first case for trial is a trespass case involving an action of timber case involving an action of trespass, brought by G. H. Young of Pawlet vs. R. H. Alexander of the same town. C. V. Poulin is counsel for the plaintiff and T. W. Moloney for the defendant.

FRANKLIN COUNTY COURT.

Judge Butler Absent First Day to Attend Lawrence Funeral.

St. Albans, March 12.—Although the regular spring term of Franklin county court opened today, only routine business was transacted and the jurors were excused until tomorrow morning at nine o'clock, owing to the absence of Judge Fred M. Butler, who remained at home to attend the funeral of Robert A. Lawrence, the brilliant young Rutland attorney who met death by electrocution.

The case actually before the court concerned the right of the patentee of a rotary mimeograph to bind the purchaser of each machine to use only ink of which he manufactured.

The question arose as to whether the patent restriction was governed by contract law over which the State courts have jurisdiction or whether it was governed by the patent law and thus within the jurisdiction of the federal courts. The New York federal court asked for instructions.

FOLLOWED LURTON DECISION.

Several times the question had arisen in the federal circuit courts. Most of them had followed a leading decision announced by Justice Lurton, then a circuit judge, and known as the "Butter fastener" case. In that decision Judge Lurton held that the patent law governed the case, and consequently said: "To-day he approved that decision."

"If a patentee says," began Justice Lurton in his opinion, "I may suppress any patent I will, I may make or have made devices under my patent but I will neither sell nor permit any one to use the patented things, he is within his right and no one can complain. But if I will sell with the right to use only with other things proper for using with the machines, and I will sell at the actual cost of machines to me providing you will agree to use only such articles as made by me in connection therewith, if he chooses to take his profit in this way, instead of taking it by the higher price for the machines, has he exceeded his exclusive right to make and sell his patented machines?"

"The market for the sale of such articles to the users of his machines which by such a condition he takes to himself, was a market which he alone created by the making and the selling of the new invention. Had he kept his invention to himself no ink could have been sold by others for use upon machines embodying that invention. By selling it subject to the restriction, he took nothing from others and in no wise restricted their legitimate market."

One of the express reasons given by Justice Lurton for his dissent was to make it clear that if evils arise from the decision, their continuation will not be caused by the interpretation given to the

CHITENDEN COUNTY TRUST CO.
114 CHURCH STREET, BURLINGTON, VT.

A COMPETENT EXECUTOR
You know that the affairs of your estate will be in competent hands when the Chitenden County Trust Company is named as your Executor. Every detail will be transacted in the most faithful manner, according to law, and at the least expense to the estate. Personal interview or correspondence invited.
E. J. Booth, President.
John J. Flynn, Vice-President. Harrie V. Hall, Asst. Treas.

4% GUARANTEED—ALL DEPOSITS TAX FREE

SECOND DISTRICT CONVENTION PROGRAM FOR CONFERENCE

It Will Be Held at Montpelier April 9 to Elect Republican Delegates to Chicago.

Newport, March 12.—The second district convention of the Vermont Republican party has sent out the call for the convention of this district to be held at Montpelier, Tuesday, April 9, at 2:30 p. m. for the purpose of electing two delegates and two alternates to attend the republican national convention at Chicago June 18. The primary meetings for the election of delegates to this convention, the call states, should be held in each city and town Saturday, March 30. The town and city representation on the basis fixed by the committee appointments the 287 delegates as follows:

CALEDONIA COUNTY.	
Barnet	3
Danville	1
Greton	2
Hardwick	3
Kirby	1
Lyndon	5
Newark	1
Peacham	2
Stegatch	3
Total	26

ESSEX COUNTY.	
Bloomfield	1
Brighton	3
Bruswick	1
Canaan	2
East Haven	1
Granby	1
Guildhall	2
Total	13

FRANKLIN COUNTY.	
Bradford	4
Brattleboro	3
Brookfield	2
Chelsea	3
Corinth	2
Fairlee	2
Newbury	2
Orange	2
Randolph	2
Stratford	2
Total	24

ORLEANS COUNTY.	
Albany	2
Barton	2
Brownington	2
Charleston	2
Coverly	2
Craftsbury	2
Derby	2
Glover	2
Greensboro	2
Holland	2
Total	20

WASHINGTON COUNTY.	
Barre	10
Barre town	1
Brookline	1
Cabot	2
Calais	2
Duxbury	2
E. Montpelier	2
Payson	2
Marshfield	2
Middlesex	2
Montpelier	10
Total	45

WINDHAM COUNTY.	
Athens	1
Brattleboro	1
Brookline	1
Dover	1
Dummerston	1
Granton	1
Guilford	1
Halifax	1
Jamaica	1
Londonderry	1
Mathews	1
Newfane	1
Putney	1
Total	12

WINDSOR COUNTY.	
Andover	2
Baltimore	1
Barnard	1
Bellevue	1
Bridgewater	1
Cavendish	1
Chester	1
Hartford	1
Hartland	1
Windsor	1
Norwich	1
Plymouth	1
Pomfret	1
Total	14

WINDHAM COUNTY.

Athens 1, Brattleboro 1, Brookline 1, Dover 1, Dummerston 1, Granton 1, Guilford 1, Halifax 1, Jamaica 1, Londonderry 1, Mathews 1, Newfane 1, Putney 1, Total 12.

WASHINGTON COUNTY.

Barre 10, Barre town 1, Brookline 1, Cabot 2, Calais 2, Duxbury 2, E. Montpelier 2, Payson 2, Marshfield 2, Middlesex 2, Montpelier 10, Total 45.

WINDSOR COUNTY.

Andover 2, Baltimore 1, Barnard 1, Bellevue 1, Bridgewater 1, Cavendish 1, Chester 1, Hartford 1, Hartland 1, Windsor 1, Norwich 1, Plymouth 1, Pomfret 1, Total 14.

WINDSOR COUNTY.

Andover 2, Baltimore 1, Barnard 1, Bellevue 1, Bridgewater 1, Cavendish 1, Chester 1, Hartford 1, Hartland 1, Windsor 1, Norwich 1, Plymouth 1, Pomfret 1, Total 14.

WINDSOR COUNTY.

Andover 2, Baltimore 1, Barnard 1, Bellevue 1, Bridgewater 1, Cavendish 1, Chester 1, Hartford 1, Hartland 1, Windsor 1, Norwich 1, Plymouth 1, Pomfret 1, Total 14.

WINDSOR COUNTY.

Andover 2, Baltimore 1, Barnard 1, Bellevue 1, Bridgewater 1, Cavendish 1, Chester 1, Hartford 1, Hartland 1, Windsor 1, Norwich 1, Plymouth 1, Pomfret 1, Total 14.

WINDSOR COUNTY.

Andover 2, Baltimore 1, Barnard 1, Bellevue 1, Bridgewater 1, Cavendish 1, Chester 1, Hartford 1, Hartland 1, Windsor 1, Norwich 1, Plymouth 1, Pomfret 1, Total 14.

WINDSOR COUNTY.

Andover 2, Baltimore 1, Barnard 1, Bellevue 1, Bridgewater 1, Cavendish 1, Chester 1, Hartford 1, Hartland 1, Windsor 1, Norwich 1, Plymouth 1, Pomfret 1, Total 14.

WINDSOR COUNTY.

Andover 2, Baltimore 1, Barnard 1, Bellevue 1, Bridgewater 1, Cavendish 1, Chester 1, Hartford 1, Hartland 1, Windsor 1, Norwich 1, Plymouth 1, Pomfret 1, Total 14.

WINDSOR COUNTY.

Andover 2, Baltimore 1, Barnard 1, Bellevue 1, Bridgewater 1, Cavendish 1, Chester 1, Hartford 1, Hartland 1, Windsor 1, Norwich 1, Plymouth 1, Pomfret 1, Total 14.

WINDSOR COUNTY.

Andover 2, Baltimore 1, Barnard 1, Bellevue 1, Bridgewater 1, Cavendish 1, Chester 1, Hartford 1, Hartland 1, Windsor 1, Norwich 1, Plymouth 1, Pomfret 1, Total 14.

NOT GUILTY PLEA HEARD 46 TIMES

Trial of Labor Union Men on Dy-
namite Charge Set for
October 1.

ALL DEMURRERS OVERRULED

Judge Grants 30 Days for Filing
of Exceptions—Motion to
Consolidate Cases Is
Sustained.

Indianapolis, March 12.—"Not guilty," was the plea of 46 men arraigned this afternoon in federal court here on indictments charging complicity in the alleged conspiracy unlawfully to transport dynamite from State to State. Judge A. B. Anderson overruled all demurrers of the defense but granted 30 days for the filing of exceptions to his ruling.

A motion to consolidate the cases, made by United States District Judge W. Miller, was sustained but the court postponed to next attorneys for the defense to move for a continuance to prepare for the trial. The court instructed that the defendants appear when presentation of the matter is made. The trial was set for October 1.

When Judge Anderson announced he would overrule the demurrers to the 46 indictments, he turned to the defendants, for whom seats had been arranged in tiers, and said:

"Gentlemen do you know the nature of the charges against you?"

"Yes," came in a hoarse chorus.

Then one by one the indicted men, present on former labor union officials from many sections of the country and headed by Frank L. Ryan, president of the International Association of Bridge and Structural Iron Workers, arose as their names were called and responded "not guilty."

ATTACKS ON INDICTMENTS.

Attacks from many angles were made upon the indictments charging the defendants with aiding and abetting the McManis and John J. and James B. McManis in the transportation of dynamite on passenger trains, with using principals with McManis and the McManis in the illegal acts and with having conspired to violate the statutes prohibiting such transportation.

That the statute of limitations had run against the offense of conspiracy alleged and that the indictments did not state violation of law, because it was not set out that the defendants had conspired to transport dynamite, were the two principal objections of counsel for the defense, Elijah Zoline and Patrick O'Donnell of Chicago, Walter Hall of London, Ind., and W. N. Harding of this city.

"I am unable to see the merit in these objections," said Judge Anderson in overruling the motions to quash. "As I read the acts of 1893, 1896 and 1898 on the subjects it is plain to me that it is unlawful for a man to carry explosives on any vehicle, train or vessel of a common carrier that transports passengers for hire."

CONSPIRACY A CONTINUING ONE.

In refusing to accept the theory of the defense that the statute of limitations had run in the case, the court approved the argument of District Attorney Miller that the conspiracy as alleged was a continuing one and that limit of time for prosecution had not expired for the reason that though the conspiracy is alleged to have begun in 1904 overt acts are alleged to have been committed in furtherance as late as April 1911.

Motions to quash were made as to the indictments against each of the 46 defendants that did not appear in court. Among them were the McManis brothers, in San Quentin prison, Cal., and Orin McManis in jail at Los Angeles.

District Attorney Miller attempted unsuccessfully to have the trial set for May. "This is a very simple case," he said, and added that largely the evidence, the government possessed, including letters seized in the national offices of the iron workers' association in this city, had been made public.

JUDGE TALKS ON LIBERTY.

In granting delay till October 1, Judge Anderson took occasion to comment on the political situation. "Just because," he said to the packed crowd in the court room, "probably never again will we have so large an audience."

"Men indicted must have every opportunity to prove themselves innocent if they can," he went on. "This is a guaranty of liberty. Here I want to say that if certain political philosophers of our time succeed in their course there will not be any guaranty of liberty. When the courts are paralyzed, liberty is gone."

Considering the fact that the defendants' residences were widely scattered over the country, the court added he would grant until October for them to consult their attorneys and prepare for defense.

COLORADO FOR TAFT.

Primary in County Elects 400 of 422
Committeemen Who Favor President.

Washington, March 12.—A telegram received yesterday from Denver at the Taft headquarters reported that a primary election held in Denver county, including the city of Denver, 422 men and women committeemen were elected from that county, of whom 400 are for President Taft for re-nomination.

Burlington Savings Bank

Incorporated 1847
The People's Bank; No Stockholders; Owned by the depositors; managed in their interest.

Assets \$14,297,745.80
Write for further Information

C. P. SMITH, President.
Henry Green, Vice President
F. W. Perry, 2nd Vice President
F. W. Ward, Treasurer
E. S. Isham, Assistant Treasurer.

A SURPLUS

Of everything that conduces to better living is always desirable. It creates a feeling of confidence. The community that has a surplus of good citizenship is to be congratulated. The bank that has an earned surplus of available capital will always create a feeling of security with its patrons. Ask for our statement.

The Burlington Trust Company
City Hall Square—North.

WINOOSKI SAVINGS BANK
Winooski, Vt. (Winooski Bank, only bank in town) Organized 1869
Had a Surplus Dec. 31, 1911, of \$149,835.69.
Which is over 8 per cent. of its deposits and is a guarantee fund to its depositors for their principal and interest. This bank pays interest and the taxes on all deposits.

Interest compounded semi-annually, January 1st and July 1st. This bank is open until 4:00 P. M.

OFFICERS:
Ormond Cole, President.
Orman P. Ray, 1st Vice-Pres.
Orman P. Ray, 2nd Vice-Pres.
H. E. Gray, Treasurer.

TRUSTEES:
Ormond Cole, Emory C. Mower,
Orman P. Ray, C. H. Shipman,
R. J. White, G. B. Quinn, F. E. Gray.

4% Deposits on or before April 5 draw int. from April 1 4%

HOME SAVINGS BANK

Any person wishing to leave their money where it is perfectly safe, will make no mistake in leaving it with us; and parties wishing to borrow, will find us ready to accommodate them.

C. S. ISHAM, President, Burlington, Vt. N. K. BROWN, Treas.

OUR FIRST MORTGAGE FARM LOANS

Have proven a safe and profitable investment for Savings Banks and individual investors for more than 25 years.

We confine our loans to the very best agricultural sections, and personally inspect every farm before making the loan.

We invite the closest investigation. All business with our investors held in confidence. Correspondence solicited. Vermont references furnished.

GEO. K. WILLIAMS & COMPANY,
Oklahoma City, Okla.

6% MORTGAGES 6% Blotting Paper

FRAYER & GALE,
Minneapolis, Minn.
Good Vermont References.
In all colors.
AT FINE PRINT STORES

HOWARD NATIONAL BANK
BURLINGTON, VERMONT.
Capital, \$300,000. Surplus and Profits, \$200,000

A general Banking business transacted.
Foreign Exchange issued and remittances made to all foreign countries.
Interest paid on time deposits.
Safe deposit boxes to rent.

DIRECTORS:
F. E. Burgess, Elias Lyman, A. G. Whittemore,
H. T. Rutter, Hugh McLean.

OFFICERS:
F. E. Burgess, President,
H. T. Rutter, Cashier,
Elias Lyman, Vice-President,
H. S. Weed, Assistant Cashier.

CITY TRUST COMPANY
Office with Howard National Bank

DIRECTORS:
F. E. Burgess, President,
Elias Lyman, Vice-President,
H. T. Rutter, Treasurer,
A. G. Whittemore, Attorney at Law,
W. T. HENDER, Treasurer,
J. H. PARKER, Manager Burlington Light & Power Co.,
JOSEPH S. PLINT, of O. C. Taylor & Co.

4% Interest Paid on Deposits
Free from Taxes

VIRGINIA IS FOR TAFT.

All but Two of Its 21 Delegates Are Instructed.

Roadsboro, Va., March 12.—Four delegates-at-large instructed to vote for the re-nomination of President Taft were named late tonight by the Virginia republican state convention.

This action puts into the Taft column the entire Virginia delegation of 24 votes in the Chicago convention. Only the two delegates from the third district are uninstructed.

TENNESSEE ENDORSES TAFT.

Nashville, Tenn., March 12.—In a convention remarkable in that not a de-

termining vote was cast on any question, the republican party of Tennessee today made nominations for two State officers and endorsed the re-nomination of President Taft for the office of Judge of the court of civil appeals. President Taft was endorsed for re-nomination in decisive terms.

Albert N. Swain died Saturday night in Bellows Falls at the age of 84 years. He was a pioneer among Vermont newspaper workers. Born in Reading in 1828 he began work on the Vermont Journal at Windsor. For 32 years he was editor and proprietor of the Bellows Falls Times. In 1870 he became a member of the constitutional convention by the unanimous vote of his fellow townsmen, was a member of the assemblies of 1872 and 1876 and was senator in 1886. He was president of the Vermont Press Association for four years, and was postmaster under Lincoln, Johnson and Grant.

For every sale of property led up to by placard advertising, there are one hundred and one traceable directly to newspaper advertising.